

Under Fire by CIA, State Depart.

Nuccio Dispute Follows Guatemala Controversy

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The way Richard A. Nuccio sees it, when the going gets tough in Washington, the tough go public.

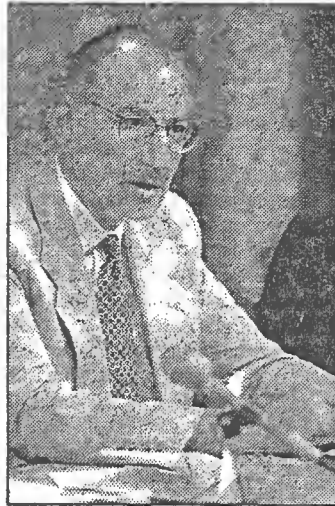
That's why the State Department official was on "60 Minutes" a week ago, opening a new front in a long, bitter struggle to save what is left of his public service career from an assault by the Central Intelligence Agency.

To the CIA and some members of the congressional intelligence committees, Nuccio is an irresponsible and untrustworthy official who broke the rules and perhaps the law when he revealed secret information about CIA operations in Guatemala to Rep. Robert G. Torricelli (D-N.J.). The agency's list of charges against Nuccio depicts him as handing out secret information right and left. The CIA has overruled the State Department and revoked Nuccio's security clearance.

Nuccio, however, sees himself as an official who made a single "error in judgment" under circumstances where he had little choice and is now the victim of a vendetta by an intelligence agency wounded by its own illegal acts. He says he was trying to rectify the CIA's failure to keep Congress informed of crucial information about the activities of its agents in Guatemala, but the result was the unauthorized release of classified information for which the CIA blames Nuccio.

According to him, an ostensibly independent three-member panel established by CIA Director John M. Deutch to resolve the dispute—by reviewing the revocation of his security clearance—is essentially a kangaroo court, appointed by Deutch in a proceeding invented by Deutch to review a decision made by Deutch.

"I believe the three members are honorable men," Nuccio said in an interview, "but the process is not fair



FILE PHOTO/ BY DANIEL PORTNOY—ASSOCIATED PRESS

RICHARD A. NUCCIO

... made an "error in judgment"

and impartial. This panel is going to make a political decision and I felt I had to influence this panel by the only means I had available to me, which is public opinion."

That, he said, was what prompted him to take his story to CBS's Mike Wallace, leading to the extraordinary spectacle of a prominent State Department official appearing on national television and giving newspaper interviews to blast the CIA.

Not only did Nuccio question Deutch's motives, he suggested that Deutch's deputy, George J. Tenet, was one of the "senior government officials" who confirmed classified information about a CIA operative to newspaper reporters—a charge Tenet denied.

"This could only happen in Washington," said Torricelli, whose decision to make public the information he got from Nuccio led to Nuccio's difficulties. "The only person who told the truth and as a matter of conscience can feel good about his own role is the principal victim."

The Nuccio case is perhaps the final fallout from the CIA's long involvement in Guatemala's brutal civil war, which matched military and right-wing military governments against leftist guerrillas in a Cold

War struggle that ended only recently after three decades.

When the Clinton administration took the reins of U.S. policy in 1993, Nuccio, 49, a former Williams College professor and a former aide to Torricelli who had long studied Guatemala, became the point man in efforts to broker a peace settlement there. His title was, and is, senior adviser to the assistant secretary of state for inter-American affairs.

That position brought him into contact with Jennifer Harbury, an American lawyer married to Efraim Bamaca, also known as Commandante Everardo, a guerrilla leader who disappeared in a battle with the Guatemalan army in 1992. Harbury believed Bamaca might be alive and undergoing torture, and staged hunger strikes here and in Guatemala City to press her demand for information about his fate.

Throughout 1993 and most of 1994, Nuccio and other State Department officials told Harbury and members of Congress who inquired on her behalf that they had little useful information about Bamaca's fate. Late in 1994, however, a new review of State Department files on the case led to the discovery that a Guatemalan officer on the CIA payroll, Julio Roberto Alpirez, might have had a role in Bamaca's death and in covering up the murder of a U.S. citizen in Guatemala, Michael DeVine.

Much later, in the summer of 1996, the president's Intelligence Oversight Board concluded that intelligence reports suggesting that Alpirez was present when DeVine was murdered were inaccurate and that available evidence did not substantiate the charge that Alpirez executed Bamaca. However, the panel found that the CIA had failed to honor its obligation under the law to apprise the congressional intelligence committees of such reports.

Nuccio said he was dismayed to learn in the fall of 1994 about intelligence reports linking Alpirez, a CIA "asset," to the two crimes—Bamaca's death in captivity and DeVine's murder.

ment Official Takes Case to Public

He had told several members of Congress what he said he told Harbury: The State Department was sympathetic, but the government had no information about what happened to Bamaca.

When he learned differently, he said, he found himself in an untenable position: He had given his word and his word was wrong.

"There was not a single person outside the U.S. government who will not believe that I knew this all along and that I was not collaborating in an effort to conceal the involvement of the CIA in these two cases," he said.

"It was my word that had been given to Bob Torricelli and the [intelligence] committee," Nuccio said. He said he "agonized" for months, waiting for others in the State Department who had access to the same information to take some action, but nothing happened.

On March 17, 1995, Nuccio went to Torricelli and told him what he knew, naming Alpirez as the suspect and outlining his CIA connection.

As a member of the Permanent Select Committee on Intelligence, Torricelli was cleared to receive top secret information, but only through approved channels. No one authorized Nuccio to talk to Torricelli.

"There is no question that Torricelli was entitled to the information," Nuccio said. "He was cleared for it and he had a need to know it." Besides, Nuccio said, the CIA had already briefed other committee members on the case.

Five days later, Torricelli made the information public, writing a letter to President Clinton and giving a copy to the New York Times.

"I did not know that Congressman Torricelli planned to disclose classified information publicly," Nuccio said. "I made an error in judgment in talking to Bob. I shouldn't have entrusted him with my career. But that's not a violation of the law."

Toricelli fought off an effort by some colleagues to oust him from the intelligence committee and was elected earlier this month to the Senate. Deutch fired two senior CIA

officials and disciplined others for their role in the Alpirez affair.

Nuccio was subjected to an investigation by the State Department inspector general and received a formal letter of reprimand, which he is appealing. At one time he faced the possibility of criminal charges.

His current problem, however, is the loss of his security clearance, which he said makes it impossible for him to do his job.

House intelligence committee Chairman Larry Combest (R-Tex.) demanded late last year in a letter to Secretary of State Warren Christopher that Nuccio's clearance be suspended "until his status is fully adjudicated."

After an internal review, the State Department extended his security clearance for a year on a probationary basis. But on Sept. 19, Tenet informed the State Department on Deutch's behalf that he was invoking the CIA's legal authority to overrule State's decision and cancel Nuccio's clearance. That letter included an offer from Deutch to allow Nuccio to appeal the ruling to a three-member panel whose members would be appointed by Deutch.

Nuccio said he had maintained his silence throughout the multiple investigations but Tenet's letter led him to contact Wallace, whom he had met when "60 Minutes" did a segment on Harbury. The result, to the CIA's chagrin, was a sympathetic piece that ran Nov. 17.

The three members of the panel considering Nuccio's case are former deputy secretary of state Kenneth W. Dam; former White House staff secretary John D. Podesta; and former Pentagon general counsel Terrence O'Donnell, a partner at Williams & Connolly.

According to O'Donnell, who is the panel chairman, they are reviewing the case "de novo," or from scratch, rather than giving credence to previous disciplinary actions.

Deutch "is not legally bound by the panel's recommendation, but he has told people on Capitol Hill that he intends to be guided by it. He has no preferred outcome. . . . The di-

rector has said, I don't care what the outcome is," according to a senior CIA official.

Deutch was not "stacking the deck" by naming the panel, the official said. As director of central intelligence, he had "a legitimate dilemma" because Combest and some other intelligence committee members wanted Nuccio stripped of his clearance, as did some CIA officials, while the State Department took the opposite view.

Creation of the outside panel gives Nuccio "a very full say" that he would not otherwise have had, this official said.

According to a letter from CIA general counsel Michael J. O'Neil to Nuccio's lawyers, the brief against him includes more than the unauthorized delivery of information to Torricelli.

He is accused of concealing from his State Department superiors knowledge that Torricelli intended to go public; of providing classified information to reporters; and of failing to cooperate with State Department investigators.

Nuccio admits giving information to Torricelli but said there is no evidence to support any of the other charges. He said his home and office telephone logs prove that he did not talk to the New York Times to confirm information about Alpirez until after the original story had been published, and that the short list of people who might have done so includes Tenet.

Toricelli, who said the CIA is "conducting a vendetta because two of their people got fired," is not Nuccio's only supporter in Congress. Sen. Bob Graham (D-Fla.), a member of the Senate intelligence committee, told O'Donnell he would "object to an adverse action against an appropriately cleared federal employee for disclosing to a member of a congressional intelligence oversight committee information relating to CIA activities."

There is "no timetable" for the independent panel, a CIA official said.